CLASS B

App. F IX—4

Previous References.

1964
(FE-B)

File No. AFD 80
Serial No FAF 64

Later References.

Agri. Horti. & Forest Department.

THE MYSORE GOVERNMENT SECRETARIAT

Serial Nos.

Part B for

SUBJECT

Request for removal of trees and grant for permission to Cultivate S. No. 39 of Kadkol

17/12/64
12/12/64

WD 014612—GPB—4,50,000—1-9-64

DRAFT FOR NOTE BOOK
UNDER SECRETARY
M. N. Ansari
17/12/64
for Under Secretary to Govt.

1.1.64

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪು ರ ಪುತ್ಥು ಜೀವಿ
ಶಾಸ್ತ್ರ ಇಲಾಖೆ (ಅರಣ್ಯ)

14/12/64

Serial No.

D.No. 2259.

The CCF has reported that S.No. 39 of Kadkol adjoints cultivation on one side and it contains sparce tree growth except in an area of 12 acres which is quite blank. It is also reported that the owner of the land who is a widow having 4 minor children, ~~xkx~~ intends to bring the land under cultivation and the D.F.O. in his report dated 11-12-1963 has recommended the withdrawal of the provisions contained in Section 35(1) of the I.F.A. since there is no fear of soil erosion if cultivation is allowed in the area. It is also stated by the CCF, that the area was notified by the erstwhile Bombay Government and the same is not found with the ather records submitted to Government. Hence, in the first instance we may call for a copy of the Bombay Government Notification No. 5133/62342-J dated 5-11-1954, if agreed to.

A/

QR
17/5

Ma
18/5

2) Please put up a draft re A.

ZR.
19/5/64
(T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Department.

3) DFs letter to cef is put up.

QR
19/5

Issue
ZR
20/5/64
(T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Department.

Ma
20/5

Note.—Contn. Sheet

ISSUED
Date 22-5- 1964

ISSUED
Date 196

Re: S.no. 39 of Kadkol. 3

AF-D File No. 80 FAF of 1964

Mysore Government Secretariat

D. no. 3219/64.

Serial No. 9 C/7

The c.c.f has sent a copy of the Bombay Govt., notification dt 5-11-1954. The fact of this case is as explained vide para 1 n/7. 13 C/7

R.D may see the proposal of the c.c.f in the first instance.

MYSORE GOVT. SECRETARIAT * REVENUE DEPT. ('D' SECTION) * 5 NOV 1964

MYSORE GOVT. REVENUE DEPT. (RECEIPT & ISSUE SECTION) 4188 5 AUG 1964

(6

GR 3/8/64

RD) (T. S. RAMAIYA)
Under Secretary to Government,
Agriculture Department.

GR 4.8.64

GR 4.8.64

R.D. ~~has no objection~~ R.D

7) ~~Govt~~ agrees to the proposal of ~~c.c.f~~ C.C.F.

DS 11.8.64

11/8/64

Deputy Secretary,
Revenue Department

5/8/64 4.8.64

(8

DEPUTY SECRETARY TO GOVT. REVENUE 4894 11 AUG 1964

FIB 13/8/64

AF 2)

8) Ref para 7 n/7. for orders whether we may agree to the proposal of the c.c.f

FOREST DEPT (RECEIPT & ISSUE SECTION) 12 AUG 1964

MYSORE GOVT. SECRETARIAT 12 AUG 1964

3885

FIB

WD-010154-GPB-PZ 1-10-64

GR 19/8

C.W - pls speak 26/8/64

Grant of permission to cultivate S.No. 39 of Kadkol

4.

Mysore Government Secretariat

[App. F. III 2

AFD File No. 80 FAF of 1964

Serial No.

(1) Dft G.O. as per the proposal of the CCF is put up.

15-9-64

CR

5/9

11 Draft G.O may kindly be approved.

R.D has agreed to the proposal of C.C.F. to cancel the Notification issued in this behalf by the Executive Engineer, Bombay Govt.

K. 7/9

6/10/64.

D.S) (T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Department.

by
V. M. LINGIAH,
Deputy Secretary,
Agriculture and Forest Department.

C.W
P.S. to M.L.
21/9/64

SECRETARIAT
6/10/64
8 OCT 1964
6332
GOVERNMENT OF MYSORE

DEPUTY SECRETARY TO GOVT.
NO. 2509
7-OCT 1964
AGRICULTURE & FOREST DEPTT.

OFFICE OF THE MINISTER FOR FORESTS & FISHERIES
No. F. 1984/64
12 OCT 1964
BANGALORE.

See. may kindly be approved.

10/10/64

G. S. SRIVASAN,
Secretary.

Minister for Forests Approved

B. 7.10.64

B. RACHAIAH,
Minister for Forests,
Fisheries & Agriculture.

B
12/11/64

S.A. & F.

Note.—Contn. Sheet

Gsone

ISSUED
Date 11-11-1964

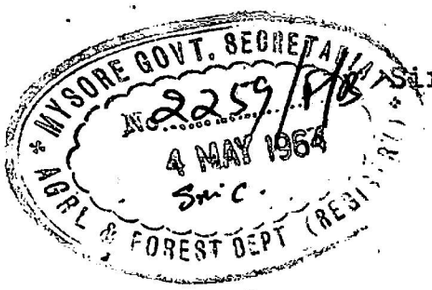
21/10/64
(T. S. RAMAIYA),
Under Secretary to Government,
Agriculture & Forest Department.

1 6

No. B-6-Gl-29062/63. Office of the Chief Conservator of Forests in Mysore Bangalore.
Encl. 2 + Accompaniments Pages 159 Dated 29th April 1964.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.



Sir,

Sub:-Request for removal of trees and grant of permission to cultivate S.No.39 of Kadkol notified under section 35(1) of the Indian Forest Act 1927.

--

I enclose herewith a copy of letter No.FOP-FST-1384-4/63-64 dated 16-1-1964 with its accompaniments received from the Conservator of Forests, Belgaum for favour of perusal. The Divisional Forest Officer, Dharwar reports that the Survey No. in question adjoints cultivation on one side and it contains sparce tree-growth except in an area of 12 acres which is quite blank. The owner of the land who is a widow having 4 minor children, intends to bring the land under cultivation and the Divisional Forest Officer, recommends to withdraw the provisions of section 35(1) of the Indian Forest Act as there is no fear of soil erosion if cultivation is allowed in the area. The area was notified under section 35(1) of the Indian Forest Act by the erstwhile Bombay State under No. 5133/62342-J dated 5-11- 1954. Under the Circumstances reported by the Divisional Forest Officer, Dharwar and recommended by the Conservator of Forests, Belgaum Government may kindly be moved to cancel the notification issued by the erstwhile Bombay State. The Conservator of Forests reports that if the proposals are accepted, draft notification rescinding the notification issued under section 35(1) of the Indian Forest Act will be submitted in the matter.

The accompaniments may kindly be returned along with Government orders.

Early orders are solicited.

Yours faithfully,

Chief Conservator of Forests.

kcs/

No.DCP/FST/1336/4/63-64. Belgaum, 16 January, 64.

To

The Chief Conservator of Forests
in Mysore, Bangalore.

Sir,

Subject:-Request for removal of trees and grant of permission to cultivate Sy.No.39 of Kadkol notified under Section 35(1) of the Indian Forest Act, 1927.

I am submitting herewith letter No.FCP/FST/1 of 11-12-1963 of the D.F.O. Dharwar in duplicate along with the case papers for favour of perusal. The D.F.O., proposes to withdraw the Sy.No. in question from the operation of section 35(1) of the Indian Forest Act 1927 in view of the fact that the Sy.No. adjoins cultivation on one side. It contains sparce tree growth and an area of 12 acres is quite blank. There is no fear of soil erosion if cultivation is permitted. I agree with the recommendations of the D.F.O.

If the above proposals are accepted, the D.F.O., will be asked to submit draft notification ~~rescinding~~ rescinding the notification already issued under Section 35(1) of the I.F.A.1927 in the matter.

Yours faithfully,

D. Ramgundappa 16/1
Conservator of Forests, B.C.

5 7

LETTER.

To

The Conservator of Forests,
Belgaum Circle, Belgaum.

No.FOP/FST/I/63-64. Dharwar, 11-12-1963.

Subject: Request for removal of trees and grant of permission to cultivate Sy.No.39 of Kadkol notified under section 35(1) of the Indian Forest Act ~~XX~~ 1927.

Malki Sy.No.39 of Kadakol, Taluka Shirhatti has been notified under Section 35(1) of the Indian Forest Act 1927 as per Bombay Government Notification No.5133/62342-J dated ~~XXXXXX~~ 5-11-1954, the owner of the Sy.Nos. Shrimati Khatijabi Kalagar who is a minor guardian of the 4 children requests to withdraw the notification and to allow her to cultivate the land.

2/-. The total area of the Sy.No. is 48Acres and 9 Gunthas out of which an area of 13 Acres and 8 Gunthas is Pot-Kharab and the remaining area of 35 Acres and 1 Guntha is notified under Section 35(1). The Sy.No. is adjacent to Malki lands on one side which is under cultivation and on ~~the~~ other sides surreounded by Forest Lands. This Sy. No. contains sparse treegrowth like Tugli, Khair etc. in about 23 acres and the remaining 12 acres are blank without any treegrowth. The Sy.No. is fit for cultivation and it will not lead to soil erosion, if given out for cultivation.

3/-. The applicant is a poor widow having 4 children this is the only land that belongs to her. She wants to bring the land under cultivation after ~~clearing the~~ clearing the treegrowth.

4/-. According to para ~~XXX~~ I(ii) of Government A.& F. Department's letter ~~of~~ No.PRF 1353/7910-J dated 5-3-63, if the owner of Forest land desired to bring it under cultivation after issue of notification regarding its use, the Forest Department need not ordinarily object to it unless cultivation would lead to serious soil erosion. In the present case there is no fear of soil erosion as the land is reported to be fit for cultivation.

In view of the facts explained above, there is no point in keeping the Sy.Nos. under the provision of section 35 of the I.F.A., when there is a keen demand for lands for cultivation. It is necessary that private lands which are fit for cultivation are not ~~held~~ withheld from cultivation. Therefore, I recommend that Government may kindly be moved to cancel the notification No.5133/62342-J dated ~~5-11-1963~~ 5-11-1954 issued by the Government of Bombay so that the owner may undertake cultivation in the Sy.No. The application received is enclosed herewith for favour of ~~xxxxx~~ perusal.

11/12/63

(K.S.WODEYAR)
Divisional Forest Officer,
Dharwar Division, Dharwar.

SAB/-.11-12.

Appendix F. G.—1]

7 8.

SUBJECT .....

.....

.....

Diary No. of letter replied to..... .....

Mysore Government Secretariat.

( )

the 196.

Date of issue.....ISSUED.....

Date. 22-5-1964.

Signed by..... .. ..

List of enclosures.....

Copied by.....

Examined by..... .....

Section

File No.

Serial No.

N.

To

ccf

w/r to your letter no. Bb-Gl-29062/63 dt 2-5-1964, on the above subject, I am to request you to make available a copy of Bombay Govt. notifn no —

9.

5133/62342-JFO 5-11-64,

as the same is now

found along with

other papers issued to

Agent.

417

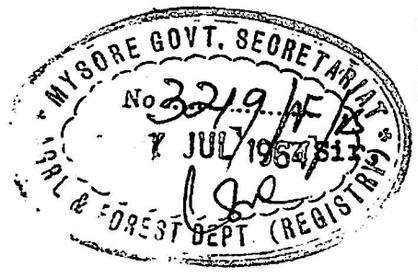
SAC

4/8 A47

No. B-6-G1-29062/63.
Enc-2

Chief Conservator's Office,
Bangalore, dated 6/7/1964.

To



The Secretary to Government,
Agriculture & Forest Department,
Bangalore.

Sir,

Sub: Request for removal of trees and grant of permission to cultivate S.No. 39 of Kadkol notified under Section 35(i) of the Indian Forest Act 1927.

Ref: Government letter No. AFD 80 FAF 64 dated 22-5-1964.

A copy of Bombay Government notification No. 5133/62342-J dated 5-11-1964 issued under Section 35 (i) of the Indian Forest Act 1927 is enclosed herewith as desired.

5-11-1954

Yours faithfully,

Chief Conservator of Forests,

No.FOP/FST/1384/4/63-64, Belgaum, 17/6 June, 1964.

To

The Chief Conservator of Forests
in Mysore, Bangalore.

Sir,

Subject:-Request for removal of trees and grant of permission to cultivate Sy.No.39 of Kankol notified under section 35(i) of the Indian Forest Act 1927.

Ref:-Your No.B6-G1-29062/63 dated 29-4/2-5-1964.

I submit herewith a copy of the Bombay Government Notification No.5133/62342-J dated 5-11-1964 issued under section 35(i) of the Indian Forest Act 1927 in duplicate for favour of further action.

Yours faithfully,

D. Nanjundappa

(D. Nanjundappa) 17/6
Conservator of Forests,
Belgaum Circle.

13 12

AGRICULTURE AND FORESTS DEPARTMENT.

Bombay ~~cxxxxx~~ castle 5th Nov. 1954.

Indain forest act. 1927.

No. 5133/62342-J:- Whereas the Government of Bombay had issued a notice to Shri. Mahammadgous Modinsab Kalakgar at and P.O.Shirhatti, the owner of the forest specified in the schedule hereto annexed to show cause why a notification under sub-section (1) of section 35 of the Indian forest act.1927 should not be issued prohibiting or regulating the specified in the notice;

And whereas the objection raised by the said owner to the issue of a notification and evidance produced by him have been heard and considered by Government;

And whereas it appears to the Government of Bombay that it is necessary-

a) for the conservation of trees and forests;
b) for the preservation and improvement ~~and improvement~~ of soil or of the formation of ravines and torrents or the protection of land against erosion or the deposit thereon of sand stones or gravel;
c) for the improvement of grazing;
d) for the maintainenne increase and distribution of the supply of fodder, leaf manure, timber or fuel;
e) for the preservation of the public health.

(A) to prohibit in the forests specified in the scehdule appended hereto the following acts.-

a) the firing or clearing of the vegetation;
b) by the girdling tapping or burning of any tree or the stripping off the bark or leaves from any tree.
c) the lopping and pollarding of trees.
d) the cutting sawing, conversion and removal of trees and timber (except as provided under(B) below)

(B) to regulate in the forests specified in the schedule appended hereto the following acts in the manner specified hereunderx:-

a) the breaking up or clearing of the land for cultivato No portion of the land should be broken or cleared either by ploughing or digging without the expess permission of the Divisional Forest Officer.
b) the pasturing of cattle -Not more than 50 honafide domestic cattle can graze over the area in the manner to be prescribed by the Divisional Forest Officer, if necessary.
c) the quarrying of stones or buring of lime or charcoal or collection or removal of any forest produce or its subjection to any manufacturing process-this action of the owner is prohibited for sale or barter.
d) the cutting, uprooting or removal of trres and timber, No tree standing over the area should be either cut or uprooted without the express permissio of the Divisional Forest Officer, (Note-(a) dead wood either standing or fallen can be removed for pure domestic use (b) "Tree" means as per the defi- nition in section 2 of the Indian forest act)

Now therefore in exercise of the powers conferred by sub-section (1) of section 35 of the Indian forest act. 1927(XVI of 1927) in its application to the sate of Bombay is pleased-

(A) to prohibit in the aforesaid forests the following acts:-

(a) the firing or clearing of the vegetation,
(b) the girdling, tapping or burning of any tree or t stripping off the bark or leaves from any tree.

P.T.O.

c) the lopping and pollarding of trees,
d) the cutting, sawing, conversion and removal of trees and timber, (except as provided under (B) below.

(B) to regulate in the aforesaid forests the following acts in the manner specified hereunder:-

a) the breaking up or clearing of the land for cultivation. No portion of the land should be broken or cleared either by ploughing or digging without the express permission of the Divisional Forest Officer.

b) the pasturing of cattle -Not more than 50 bona fide domestic cattle can graze over the area in the manner to be prescribed by the Divisional Forest Officer, if necessary.

c) the quarrying of stones or burning od lime or charcoal or collection or removal of any forest produce or its subjecti on to any manufacturing process this action of the owner is prohibited for sale of barter.

d) the cutting , uprooting or removal of trees and timber. No tree standing over the area should be either cut or uprooted without the express permission of the Divisional Forest Officer, (Note -(a) dead wood either standing of fallen can be removed for pure domestic use, (b) "Tree means as per the definition in section 2 of the Indian forest Act)

Schedule

District Dharwar, Taluka Shirhatti, Village, Kadal

Survey No	Area A.G.	Boundries North	East	South	West
38	48-10	M.S.No. 39	F.S.No.40	F.S.No.37	F.S.No.40
39	36-01	F.S.No.40	F.S.No.40	S.No.38	F.S.No.40

By order and in the name of
the Governor of Bombay

V.ISVARAN
Secretary to Government.

SSN/- /COPY/

G. S. App. F VI—G. 2]

15 14

SUBJECT..... 1 C/7 .....

.....

.....

Diary No. of letter replied to.....

Section

Serial No.

File No.

Mysore Government Secretariat

(.....)

the 196 .

Proceedings of the Government of Mysore

ISSUED

Date 11-11-1964

Date of issue.....

Signed by.....

Read— hobli no. B6-hl-29062/63 dt 2-5-1964 of the ccf

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Order thereon.—No.

AD 80 FAF 64

DT ——

The ccf has reported that s.no 39 of Kadkol adjoins cultivable land on one side & contains sparse tree growth ex-

cept in an area of
12 Ac which is quite
blank. It is also re-
ported that the owner
of the land is a widow
having 4 minor children,
intending to bring the
land under cultivation
& hence the ccf has
required withdrawal
of the provisions of
Sec. 35(1) of the
I.E.A. as there is List of Enclosures
fear of Soil erosion.
The area was noti-
fied U/S 35(1) of the I.E.A.,
by the Govt. Under no. 5133/62342-F
dt 5-11-1954. The ccf
has required cancellation of
the notification issued

Copied by
Examined by

WD 09414—GPB—PZS—1,00,000—31-5-61

M. G. S. App. F VI—G. 2]

16.

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section

Serial No.

File No.

Mysore Government Secretariat

( )

the 196 .

Proceedings of the Government of Mysore

Date of issue..... 196

Signed by.....

Read by the erstwhile Bombay Govt. order

The proposal of the ccp is hereby agreed to & the notification no. 5133/02-342/J of 5.11-1959 is hereby cancelled.

The ccp is directed to take further

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Order thereon.....

action in the matter

J3 - 0 - etc

as

9/8 A + J

to

cc/ (with accompaniments)

w/q.

List of Enclosures.

Copied by

Examined by

WD 09414—GPB—PZS—1,00,000—31-5-61

18

Subject:- Removal of trees and grant of permission to cultivate S.No.39 of Kadkol - Sanction of

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

ORDER NO. AFD 80 FAF 64

Dated: Bangalore. 11-11-64

READ:

Letter No. B6-61-29062/63 dated 2nd May 1964 of the Chief Conservator of Forests in Mysore, Bangalore.

PREAMBLE:

The Chief Conservator of Forests has reported that S.No.39 of Kadkol adjoins cultivable land on one side and it contains sparce tree growth except in an area of 12 acres which is quite blank. It is also reported that the owner of the land is a widow having 4 minor children, intending to bring the land under cultivation and hence the Chief Conservator of Forests has requested withdrawal of the provisions of Section 35 (1) of the Indian Forest Act as there is no fear of soil errosion. The area was notified under section 35(1) of the Indian Forest Act by the erstwhile Bombay Government under No.5133/62342-J dated 5-11-1954. The Chief Conservator of Forests has requested cancellation of the notification issued by the erstwhile Bombay Government.

O R D E R

The proposal of the Chief Conservator of Forests is hereby agreed to and the Notification No.5133/62342/J dated 5-11-1954 is hereby cancelled.

The Chief Conservator of Forests is directed to take further action in the matter.

By Order and in the name of the Governor of Mysore,

20/11

(~~P.U. RANGAIYA~~)
Under Secretary to Government,
Agriculture and Forest Department.

To

The Chief Conservator of Forests in Mysore, Bangalore
(with accompaniments)

Weekly Gazette.

#####

RN.
5/11

19

Subject:- Removal of trees and grant of permission to cultivate S.No.39 of Kadkol - Sanction of

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

ORDER NO. AFD 80 FAF 64

Dated: Bangalore. 11-11-64

READ:

Letter No. B6-Cl-29062/63 dated 2nd May 1964 of the Chief Conservator of Forests in Mysore, Bangalore.

PREAMBLE:

The Chief Conservator of Forests has reported that S.No.39 of Kadkol adjoins cultivable land on one side and it contains sparce tree growth except in an area of 12 acres which is quite blank. It is also reported that the owner of the land is a widow having 4 minor children, intending to bring the land under cultivation and hence the Chief Conservator of Forests has requested withdrawal of the provisions of Section 35 (1) of the Indian Forest Act as there is no fear of soil errosion. The area was notified under section 35(1) of the Indian Forest Act by the erstwhile Bombay Government under No.5133/62342-J dated 5-11-1954. The Chief Conservator of Forests has requested cancellation of the notification issued by the erstwhile Bombay Government.

O R D E R

The proposal of the Chief Conservator of Forests is hereby agreed to and the Notification No.5133/62342/J dated 5-11-1954 is hereby cancelled.

The Chief Conservator of Forests is directed to take further action in the matter.

By Order and in the name of the Governor of Mysore,

(H.S.Muttaiah) 5/11

Under Secretary to Government, I/C
Agriculture and Forest Department.

To

The Chief Conservator of Forests in Mysore, Bangalore
(with accompaniments)

Weekly Gazette.

MN.
5/11